

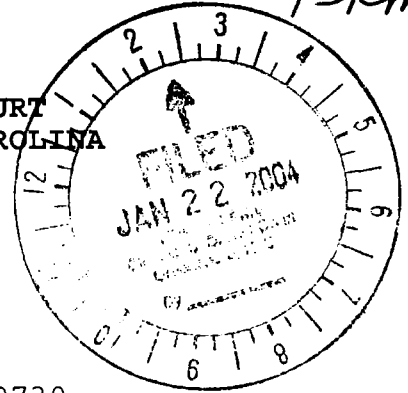
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R. 79 (a)

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



CARLOS ALBERTO RODRIGUEZ-ALVAREZ,)
)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)

1:03CV00730
1:01CR198-1

O R D E R

On November 3, 2003, the Recommendation of the United States Magistrate Judge was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Thereafter, the Court received petitioner's objections to the Recommendation.

The Court has appropriately reviewed petitioner's objections de novo and finds they do not change the substance of the United States Magistrate Judge's rulings which are affirmed and adopted.

NOW, THEREFORE, pursuant to the Recommendation of the United States Magistrate Judge, it is **ORDERED** that petitioner's motion to vacate, set aside or correct sentence (docket no. 41) is denied, that this action is dismissed, and that finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is denied.

January
December 22, 2003

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[Signature]
United States District Judge